Message

From: Gan, Janice@Wildlife [Janice.Gan@wildlife.ca.gov]
Sent: 1/6/2021 10:22:11 PM
To: Scianni, Melissa [Scianni.Melissa@epa.gov]; Steinert, Tiffany@Waterboards [Tiffany.Steinert@Waterboards.ca.gov]; Pankratz, Shannon L CIV USARMY CESPL (US) [Shannon.L.Pankratz@usace.army.mil]; Mahdavi, Sarvy [Mahdavi.Sarvy@epa.gov]
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA
Attachments: FW: Credit Purchase Agreement (CPA) Follow up response for Regulatory ; Petersen_2_Bank Enabling Instrument Amendment_2020-11-03 CDFW 2020 12 18 (002)2020 01 06 JG.docx

Hi all
I checked with Niki Dale from OGC and she provided some background about the PDT review process in the email below. Our attorneys did not review COE amendment template. When we received an amendment request from COE for Colusa Bank the region 2 CDFW staff sent to it our attorney for review, she made edits which were sent to and approved by the Colusa IRT. I think COE attorney reviewed, not sure about other agencies' attorneys.

Attached is the amendment with the edits needed for CDFW to be able to approve. These edits are consistent with Colusa and modified for Petersen BEI as needed. I think I corrected all the BEI section references and made this Amendment 1 since the Spineflower Amendment will not be finalized prior to this one but please verify.

If IRT agrees with these edits, Shannon can accept the changes and I can send final proposed language to my supervisor for CDFW approval. If not then lets talk asap
Thanks Janice

From: Dale, Nicole@Wildlife <Nicole.Dale@Wildlife.ca.gov>
Sent: Wednesday, January 6, 2021 9:28 AM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Rambarran, Beatriz (Betty)@Wildlife <Beatriz.Rambarran@wildlife.ca.gov>
Cc: Woodsmall, David@Wildlife <David.Woodsmall@Wildlife.ca.gov>
Subject: RE: call this week RE: COE streamlined amendment for STD 213 CDFW edits to

Thanks, Janice. Betty can correct me if I'm wrong, but as far as I know, the PDT did not approved any form of Corps' amendment allowing the use of the Std. 213/CPA for projects with credits. Last January, USACE's Tom Cavanaugh sent us the attached email with the Corps' letter to Caltrans along with the Corps' streamlined amendment process, template amendment request, and template amendment. I do not remember having an opportunity to comment on the Corps' amendment before Tom sent the attached.

When Stephanie and I actually reviewed a Corps' amendment in connection with the Cosumnes Floodplain Mitigation Bank, I suggested the edits you have suggested in Petersen. I worked with Corps' attorney, Lisa Clay, in finessing the changes.

For Petersen Ranch, the substantive changes are acceptable although I also suggest making the changes to the third "whereas" paragraph that I've redlined on the attached. Those changes make the recital consistent with the language in Section 2 amending Section VIII.B.6 of the BEI. Of course, I don't have the Petersen Ranch BEI, so cannot confirm that the parties, cross-references, etc. are correct, but I'm sure you did that already.

I'll need help figuring out what base BEI template(s) this amendment would work with.

Let me know if you have other questions or concerns.

Niki
Nicole E. Dale Slaton
Senior Staff Counsel
Office of the General Counsel
California Department of Fish and Wildlife

From: Scianni, Melissa <Scianni.Melissa@epa.gov>
Sent: Monday, December 21, 2020 8:38 AM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Is this the language that was already agreed to by the PDT and it is consistent with what is the new draft BEI just released on public notice? I don't have to time review more language on these Caltrans amendments given the enormous amount of time we already spent through the PDT working all this out. If this is additional or different from what has already been reviewed by the PDT, I will have to defer to the Corps. But I strongly urge us to use the language that was already agreed to by the PDT. If it's what was already worked out through the PDT, then EPA has already concurred.

Thanks,
Melissa

Melissa Scianni
Wetlands Office
US EPA, Region IX, Southern CA Field Office
600 Wilshire Blvd, Suite 940
Los Angeles, CA 90017
(213) 244-1817
scianni.melissa@epa.gov

From: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>
Sent: Friday, December 18, 2020 5:22 PM
To: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Shannon, Tiffany and Melissa

I have concerns about the amendment language. I have attached an edited version of the amendment based on a final amendment for Colusa Bank in Region 2. These edits were made by CDFW legal because the COE streamlined amendment template did not make all the changes that CDFW needed in the BEI. These edits were subsequently agreed

to by COE, EPA, Water Board. I know that the COE attorney also reviewed but I am not sure about the other agencies. Additional red text is what I added and modified for Petersen BEI numbering.

This is only a draft for your prelim review. I still have to send this to my supervisor and legal for approval but wanted you to see these changes. Maybe you can check in with your colleagues about it. Let me know if you want me to send you the original emails about the edits for Colusa Bank in Region 2.

Please keep these conversations within the IRT until all of us have approved the amendment and then COE send to Bank Sponsor. Thanks Janice

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From: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Sent: Thursday, December 17, 2020 3:41 PM
To: Scianni, Melissa <Scianni.Melissa@epa.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: Re: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi Shannon,

The Water Board has no comments and is ok with waiving the 30-day comment period.

Tiffany Steinert
Engineering Geologist

Regional Water Quality Control Board - Lahontan Region 6
15095 Amargosa Road – Bldg 2, Ste 210
Victorville, CA 92394
Direct (760) 241-7305
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Fax (760) 241-7308

The majority of Lahontan Water Board staff are teleworking due to an Executive Order from Governor Newsom. However, we are available via email and voicemail. We are responding to emails throughout the workday. Responses to voicemail may take more than one business day.

From: Scianni, Melissa <Scianni.Melissa@epa.gov>
Sent: Wednesday, December 16, 2020 12:39 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>

Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

EXTERNAL:

Hi Shannon,

EPA has no comments and is ok with waiving the 30-day comment period if the other IRT members agree.

Thanks,
Melissa

Melissa Scianni
Wetlands Office
US EPA, Region IX, Southern CA Field Office
600 Wilshire Blvd, Suite 940
Los Angeles, CA 90017
(213) 244-1817
scianni.melissa@epa.gov

From: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Sent: Wednesday, December 16, 2020 12:29 PM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <tiffany.steinert@waterboards.ca.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Hello IRT members,

Please see the attached amendment (Amendment No.1) request received from the Petersen Ranch Mitigation Bank sponsor. The Corps has determined use of the streamlined review process described in 33 C.F.R. 332.8(g)(2) is appropriate as the use of STD 213/CPA is not a significant change. Per the 2008 Mitigation Rule, the 30-day IRT comment period for this proposed amendment, (technically beginning on December 21st), is through January 18, 2021. Please provide your written agency comments (including via email), or respond that you have no comments, or that you are waiving the 30-day comment period.

All the best and happy holidays,

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section
Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
Los Angeles, California 90017
shannon.l.pankratz@usace.army.mil

Office: 213-452-3412

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IMPORTANT NOTE: During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:
https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory_SPN.pdf?ver=2020-03-19-134532-833

Assist us in better serving you! Please complete our brief customer survey, located at the following link: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

From: Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Sent: Wednesday, December 9, 2020 3:43 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Sarvy Mahdavi <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <tiffany.steinert@waterboards.ca.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>
Subject: [Non-DoD Source] Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Dear Petersen Ranch IRT,

Pursuant to Section XII.D.1 of the Petersen Ranch Mitigation Bank Enabling Instrument ("BEI"), Land Veritas Corp is requesting Exhibit F-2, Credit Purchase Agreement and Payment Receipt Templates, of the BEI be amended to include an additional template Credit Purchase Agreement, and that language be added to the BEI allowing additional templates to Exhibit F-2 of the BEI be included upon written approval of all interagency review team members to provide greater flexibility and reduce time and effort should the need arise to create further templates (i.e., future templates associated with advance/bulk credit purchase). A copy of the proposed amendment is attached for your review.

It has come to our attention that the California Department of Transportation ("Caltrans") is not able to execute the Credit Purchase Agreement Template currently appended in Exhibit F-2 of the BEI to purchase credits from the Corps-approved BEI. The proposed amendment includes using both the Credit Purchase Agreement, as required by the BEI, and the State of California-Department of General Services ("DGS") Standard Agreement 213 (STD 213), as required by DGS for Caltrans use in purchasing credits for Caltrans transportation projects that have been assigned a permit number. Please note the fully executed Credit Purchase Agreement would be attached to the fully executed STD 213, which includes language that the terms of the Credit Purchase Agreement control if there is a conflict between the two.

Sincerely,
Marlene Tyner-Valencourt

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MARLENE TYNER-VALENCOURT, MESM | Conservation Project Manager | d: 858.682.2699 | o: 858.842.1800 x 2210 | c: 248.499.0805 | tyner-valencourt@wra-ca.com

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Our San Diego office has moved! Please note our new address.